

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEWPARK MALL LLC,

Plaintiff,

v.

CRGE NEWPARK MALL, LLC, et al.,

Defendants.

Case No. [15-cv-00817-MEJ](#)

**ORDER CONDITIONALLY
GRANTING MOTION TO SET ASIDE
DEFAULT**

Re: Dkt. No. 14

Plaintiff NewPark Mall filed this breach of contract case against Defendants CRGE NewPark Mall and Boomtown Entertainment on February 23, 2015. Less than six weeks later, Plaintiff requested that the Clerk of Court enter default against both Defendants for failure to timely respond. Dkt. No. 11. The Clerk entered default on April 7, 2015, after which Plaintiff filed a Motion for Default Judgment by the Clerk, which remains pending. Dkt. Nos. 12, 13.

On April 29, 2015, Defendants filed a Motion to Set Aside Default. Dkt. No. 14. Given that this case is in the early stages of litigation, and the general preference for courts to resolve cases on their merits, the Court ordered the parties to meet and confer to determine whether they could reach an agreement to set aside default. Dkt. No. 15. Having received Plaintiff's response (Dkt. No. 18), the Court ORDERS as follows:

- 1) The Court CONDITIONALLY GRANTS Defendants' Motion to Set Aside Default, so long as Defendants file an answer or other responsive pleading by June 4, 2015.
- 2) If Defendants fail to respond to the Complaint by June 4, 2015, Plaintiff shall file any Opposition to Defendants' Motion to Set Aside Default by June 11, 2015, Defendants shall file any Reply by June 18, 2015, and the Court shall conduct a

hearing on July 2, 2015 at 10:00 a.m. in Courtroom B.

- 3) Pending resolution of these issues, the June 25, 2015 Case Management Conference shall remain on calendar, and the parties shall file a Joint Case Management Statement by June 18, 2015.
- 4) If Defendants fail to respond to the Complaint as directed above, and the Court subsequently denies their Motion to Set Aside Default, the Court shall set a revised briefing and hearing schedule regarding Plaintiff's Motion for Default Judgment.

IT IS SO ORDERED.

Dated: May 28, 2015



MARIA-ELENA JAMES
United States Magistrate Judge